

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**SOUTHWESTERN BELL TELEPHONE §
COMPANY D/B/A AT&T TEXAS §
§
VS. §
§
F. CARY FITCH D/B/A AFFORDABLE §
TELECOM §**

CASE NO. 4:09-CV-01548

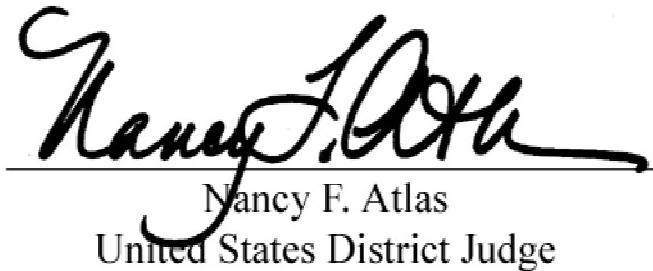
ORDER

Southwestern Bell Telephone Company d/b/a AT&T Texas (“AT&T Texas”) has filed a Motion for Award of Fees and Costs pursuant to Federal Rule of Civil Procedure 54(d)(1) and (2). Defendant F. Cary Fitch d/b/a Affordable Telecom has filed no objection to the amount of attorneys’ fees or costs that AT&T Texas seeks and has stipulated that the amount of attorneys’ fees is reasonable and the fees and costs are recoverable by the prevailing party. It is therefore

ORDERED, ADJUDGED, AND DECREED that Plaintiff AT&T Texas recover from Defendant F. Cary Fitch d/b/a Affordable Telecom reasonable and necessary attorneys’ fees and costs in the amount of \$203,707.70, for which let execution issue. It is further

ORDERED, ADJUDGED, AND DECREED that, in the event of an unsuccessful appeal by Defendant to the Fifth Circuit, Plaintiff AT&T Texas have and recover \$75,000.00 in attorneys' fees from Defendant for briefing and, if necessary, argument in the Fifth Circuit.

SIGNED at Houston, Texas, this 15TH day of **August, 2011**.



Nancy F. Atlas
Nancy F. Atlas
United States District Judge

APPROVED AS TO FORM:

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